

WYC:RMT  
F.#2010R02519

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**M10-1510**

- - - - - X

IN THE MATTER OF THE APPLICATION  
FOR A SEARCH WARRANT FOR ONE MICRO  
SD 2GB DATA STORAGE CARD FOUND AT  
37-14 GREENPOINT AVENUE, APT. 1F,  
LONG ISLAND CITY, NEW YORK ON  
JANUARY 21, 2010

AFFIDAVIT IN SUPPORT  
OF SEARCH WARRANT

(T. 18 U.S.C., §  
1029(a)(3))

- - - - - X

EASTERN DISTRICT OF NEW YORK, SS:

ERIC FRIEDMAN, being duly sworn, deposes and says that  
he is a Special Agent with the United States Secret Service  
("USSS"), duly appointed according to law and acting as such.

Upon information and belief, there is probable cause to  
believe that there will be located within ONE MICRO SD 2GB DATA  
STORAGE CARD FOUND AT 37-14 GREENPOINT AVENUE, APT. 1F, LONG  
ISLAND CITY, NEW YORK ON JANUARY 21, 2010, (the "Subject Device")  
electronically stored information, including photographs and/or  
video footage and other electronic data and information relating  
to the fraudulent acquisition of debit card and credit card  
account numbers, all of which may constitute evidence, fruits,  
and instrumentalities of violations of, among other statutes,  
Title 18, United States Code, Section 1029.

The source of my information and the grounds for my belief are as follows:<sup>1/</sup>

1. I have been a Special Agent with USSS for approximately 3.5 years. As a USSS Special Agent, I have participated in investigations of individuals and groups that specialize in fraudulently acquiring debit card and credit card account numbers through Automatic Teller Machine ("ATM") "skimming" device schemes. Through my training, education and experience as a USSS Special Agent, I have become familiar with such skimming schemes, which typically works as follows: A skimming device (card reader) is placed over the card insertion slot of the ATM. The skimming device is placed directly over the factory installed card insertion slot and captures the magnetic strip information of any card that is later inserted into the ATM. The skimming device will remain on the ATM for a period of time until the participants in the skimming scheme remove it. The information on the skimming device is then downloaded and re-encoded onto other cards that have magnetic strips. The newly encoded card will act as a "clone" of the customer's authentic card. Skimming devices also often include small cameras to

---

<sup>1</sup> Because the sole purpose of this affidavit is to establish probable cause to search, I have not set forth a description of all the facts and circumstances of which I am aware with regard to the defendants.

capture the pin numbers of bank customers using the ATM at the same time that their account number data is being collected.

2. The statements contained in this affidavit are based in part upon my personal participation in the investigation and in part upon my conversations with other law enforcement agents.

3. The Subject Device is currently in the custody of USSS in Brooklyn, New York, at the New York USSS office, and, as set forth more fully below, was recovered from 37-14 Greenpoint Ave., Apt. 1F, Long Island City, New York (the "Apartment") on or about January 21, 2010.

4. On or about December 17, 2009, USSS agents, who were conducting surveillance, observed BOGDAN PARASCHIV and MIHAI MURINEANU make multiple cash withdrawals from ATMs in Queens, New York. The banks targeted were one Chase branch, one Capitol One branch, one Dime Bank branch and the Polish/Slavic Credit Union. Bank investigators reported to USSS agents that all transactions made during the times PARASCHIV and MURINEANU were observed in the various banks were fraudulent. Bank surveillance video from the Chase branch, the Dime Bank branch and the Polish/Slavic Credit Union all revealed that PARASCHIV and MURINEANU made the fraudulent withdrawals.

5. On January 12, 2010, I received information and bank surveillance video from a Wachovia investigator that showed PARASCHIV and another individual placing and removing a skimming device on a Wachovia ATM in Jersey City, New Jersey on or about June 19, 2009. That device captured account numbers from which more than \$35,000 was later fraudulently removed at ATMs in Manhattan and Queens, according to bank investigators. Bank surveillance video showed that PARASCHIV personally made fraudulent withdrawals from those captured accounts totaling at least \$900.

6. On January 19, 2010, I received information and bank surveillance video from a Wachovia investigator that showed PARASCHIV and MARIAN BARAN placing and removing a skimming device on a Wachovia ATM in Union City, New Jersey on or about November 22, 2009. That device captured account numbers from which more than \$1,800 was later fraudulently removed at ATMs in Manhattan and Queens, according to bank investigators.

7. During the night of January 21, 2010, USSS agents conducted surveillance on a residence where PARASCHIV has been observed to reside, at 37-14 Greenpoint Ave., Apt. 1F, Long Island City, New York (the "Apartment"). The Apartment has a private entrance that is visible from the street.

8. On that date, BARAN, MURINEANU and FLORIN NECULA were observed departing together from the Apartment in a Silver Dodge Charger with a Florida license plate "593 LCM" (the "subject vehicle"). USSS agents followed BARAN, MURINEANU and NECULA to Port Chester, New York, where the agents observed the subject vehicle parked near a Wachovia bank.

9. A USSS agent then observed that an ATM skimmer had been placed on an ATM outside the Wachovia bank. The agent did not remove the skimmer at that time.

10. USSS agents subsequently observed MURINEANU and NECULA remove the ATM skimmer on the ATM outside the Wachovia bank.

11. USSS agents then followed BARAN, MURINEANU and NECULA back to the Apartment, where they observed BARAN, MURINEANU and NECULA exit the subject vehicle and enter the Apartment.

12. Approximately 30 minutes later, USSS agents observed PARASCHIV, BARAN and NECULA leave the Apartment, climb into the subject vehicle and drive to a Chase branch on Queens Boulevard in Queens, New York, where they parked. USSS agents then arrested PARASCHIV, BARAN and NECULA.

13. USSS agents then returned to the Apartment and knocked on the door. Livia Fagaras, whose name appears on the

lease for the Apartment, answered the door and subsequently gave written and oral permission for the USSS agents to search the premises.

14. USSS agents observed MURINEANU in the Apartment and arrested him at that time. MURINEANU was sitting at a table in the living room.<sup>2/</sup>

15. In a search of the Apartment that followed, USSS agents recovered a variety of electronic devices and other instrumentalities used in skimming. Among the devices recovered was the Subject Device. That data storage device was concealed in grey plastic apparently designed to look like the front of an ATM, and connected to a small camera. As noted above, the purpose of this item appears to have been to record individuals entering their pin numbers when making ATM withdrawals. Accordingly, any photographs and/or video footage and other electronic data and information relating to the fraudulent acquisition of debit card and credit card account numbers stored on the Subject Device may constitute evidence, fruits, and

---

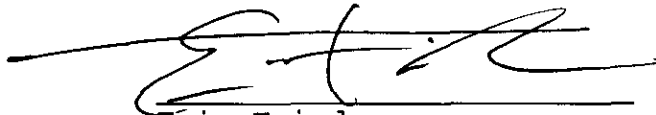
<sup>2</sup> On January 29, 2010, a grand jury in the Eastern District of New York returned an indictment charging MURINEANU, BARAN, NECULA and PARASCHIV with numerous access device fraud crimes in connection with their skimming conspiracy. The case, United States v. Baran et al., 10 CR 63, was assigned to the Honorable Frederic Block. BARAN, NECULA and PARASCHIV have pleaded guilty. MURINEANU's trial is set to begin on January 10, 2011.

instrumentalities of violations of, among other statutes, Title 18, United States Code, Section 1029.<sup>3/</sup>

---

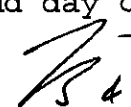
<sup>3</sup> The government sought and obtained search warrants for the other electronic items (computers, cell phones, etc.) seized from the Apartment shortly after the defendants' January 2010 arrest. The reason a search warrant for the Subject Device was not sought at that time is that agents and the government discovered it concealed in the grey plastic molding only last week while preparing exhibits for MURINEANU's upcoming trial.

WHEREFORE, I respectfully request that a search warrant issue allowing United States Secret Service Agents and other federal agents, with proper assistance from other law enforcement officers, to do the following: search, gain access to, and retrieve from ONE MICRO SD 2GB DATA STORAGE CARD FOUND AT 37-14 GREENPOINT AVENUE, APT. 1F, LONG ISLAND CITY, NEW YORK ON JANUARY 21, 2010 electronically stored information, including any photographs and/or video footage and other electronic data and information relating to the fraudulent acquisition of debit card and credit card account numbers, all of which may constitute evidence, fruits, and instrumentalities of violations of, among other statutes, Title 18, United States Code, Section 1029.



Eric Friedman  
Special Agent  
U.S. Secret Service

Sworn to before me this  
22nd day of December, 2010

  
THE HONORABLE  
UNITED STATES  
EASTERN DISTRICT

S/Orenstein

2